IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, ROBERTA L. EAMES and TAMMY EAMES, on behalf of)
themselves and all others similarly situated,)
Plaintiffs,) C.A. No. 04-CV-1324KA)
v.)
NATIONWIDE MUTUAL INSURANCE COMPANY,))
Defendant.)

AFFIDAVIT OF HEATHER R. JONES

Heather R. Jones, being duly sworn, deposes and says:

- 1. I am a paralegal employed by the law firm of Murphy Spadaro & Landon, counsel to the Eames plaintiffs herein. I make this affidavit on personal knowledge.
- 2. In March 2005, the Eames plaintiffs served document subpoenas on three of Nationwide's Delaware insurance agents -- Lisa Broadbent Insurance, Inc., Truitt Insurance Agency, Inc., and Glenn Deaton Agency, Inc. In April 2005, the Earnes plaintiffs served another document subpoena on a fourth Nationwide insurance agency, Cynthia C. Hoban Agency of Frankford, Delaware.
- 3. Negotiations ensued between the Eames plaintiffs and attorney Robert J. Leoni, counsel to the four subpoenaed insurance agencies. On April 27, 2005, the Eames plaintiffs agreed to accept, in satisfaction of the subpoenas, a random production of thirty-five auto insurance files from each of the subpoenaed agencies. Under this agreement, therefore, the four agencies produced a total of 140 auto insurance files.

4. At the direction of attorney John S. Spadaro, counsel to the Earnes plaintiffs, I have reviewed the 140 files produced by the four subpoenaed agents. Of those files, forty-eight appear to involve the sale or purported sale by Nationwide of the statutory minimum PIP limits of \$15,000 per person and \$30,000 per accident. In every instance but one, the agents characterized PIP as "full."

Heather R. Jones

SWORN TO AND SUBSCRIBED before me, a Notary Public in and for the State and County aforesaid.

NOTARY PUBLIC

My Commission Expires: 8-3(-09

DAWN M. WILLIAMSON
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Exp. 8-31-09

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, ROBE and TAMMY EAMES, on belincenselves and all others similarly situated,)))	
;	Plaintiffs,)) C.A. No	o. 04-CV-1324KA
v.)	
NATIONWIDE MUTUAL IN COMPANY,	SURANCE)	
	Defendant.)	

EAMES PLAINTIFFS' NOTICE OF DEPOSITION OF NATIONWIDE MUTUAL INSURANCE COMPANY

To: Nicholas E. Skiles, Esq.
Swartz Campbell LLC
300 Delaware Avenue, Suite 1130
P.O. Box 330
Wilmington, DE 19899

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 30(b)(6), counsel for plaintiffs Thomas A. Eames, Roberta L. Eames and Tammy Eames will take the deposition(s) on oral examination of the defendant Nationwide Mutual Insurance Company by one or more persons who consent to testify on its behalf with respect to matters known or reasonably available to it, as set forth in the accompanying Appendix (titled "Appendix: Matters for Examination"). The deposition(s) will proceed at the offices of Murphy Spadaro & Landon, 1011 Centre Road, Suite 210, Wilmington, Delaware 19805, beginning at 10:00 a.m. on February 16, 2006, and continuing from day to day, during normal business hours, until completed.

A designee's testimony in response to this notice shall not limit the Eames plaintiffs' right to seek further testimony from the same person at a later date, pursuant to Federal Rule of Civil Procedure 30(b)(1); nor shall the conduct of any examination hereunder prejudice the Eames plaintiffs' right to additional testimony under Rule 30(b)(6) in any later phase of discovery.

Respectfully submitted,

MURPHY SPADARO & LANDON

/s/ John S. Spadaro John S. Spadaro, No. 3155 1011 Centre Road, Suite 210 Wilmington, DE 19805 (302)472-8100

Attorneys for plaintiffs
Thomas A. Eames, Roberta L. Eames and Tammy
Eames (on behalf of themselves and all others
similarly situated)

January 20, 2006

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, ROBERTA L. EAMES and TAMMY EAMES, on behalf of themselves and all others similarly situated,)))
Plaintiffs,) C.A. No. 04-CV-1324KAJ
v.))
NATIONWIDE MUTUAL INSURANCE COMPANY,))
Defendant.)

APPENDIX: MATTERS FOR EXAMINATION

Definitions

- 1. References to "you", "your" or "Nationwide" are to the defendant Nationwide Mutual Insurance Company.
- 2. The term "PIP" refers to Personal Injury Protection or other first-party "no-fault" insurance benefits for medical expenses, lost earnings or funeral expenses provided or to be provided under policies of automobile insurance.
- 3. The term "document" shall have the broadest meaning permissible under the Federal Rules of Civil Procedure, and shall include (without limitation) documents created or stored by electronic means.
- 4. References to the "disputed practice" are to the characterization of any aspect of PIP (whether it be limits of liability, deductibles or otherwise) as "full", where such characterization is set forth in documents shared by Nationwide or its insurance agents with actual or prospective

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purchasers of automobile insurance, and regardless of whether Nationwide contends that such characterization is innocent or lawful.

5. The term "loss ratio" means the ratio of an insurer's incurred losses and loss-adjustment expenses to its net earned premium.¹

Matters for Examination

- 1. Your organization and structure, including without limitation the organization of any subdivision, section, division, department, office or group that participated in the development, creation or implementation of the disputed practice, or currently has responsibility for oversight of the disputed practice.
 - 2. The disputed practice, including without limitation:
 - a. The genesis, development, inception or origins of the disputed practice;
 - b. Any variations of the disputed practice employed by Nationwide or its agents in states agent than Delaware:
- c. Any questions, concerns or criticisms with respect to the disputed practice that have been raised at any time by regulators, consumer advocates, members of the legal profession, or other persons not employed or retained by Nationwide;
- d. Any questions, concerns or criticisms with respect to the disputed practice that have been raised at any time by persons employed or retained by Nationwide; and
 - e. The identity of persons with knowledge of the matters described by this paragraph.

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For purposes of this Definition No. 5, the term "loss-adjustment expenses" refers to expenses incurred to investigate, process, handle or pay insurance claims; and the term "earned premium" refers to that part of any insurance premium to which an insurer is entitled under a contract of insurance, and by virtue of the passage of time.

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- 3. The content, accuracy, veracity and completeness of deposition testimony given in this
- 4. The content, accuracy, veracity and completeness of Nationwide's responses to written discovery propounded by the plaintiffs herein.

case by the Glenn Deaton Agency, Inc. through its designee, Glenn Deaton.

- 5. The completeness, efficacy and integrity of Nationwide's search for and production of documents responsive to written discovery propounded by the plaintiffs herein.
- 6. The nature and content of documents produced by Nationwide in the course of discovery herein.
- 7. The nature and content of documents produced by the Glenn Deaton Agency, Inc., the Truitt Insurance Agency, the Cynthia C. Hoban Agency, Lisa Broadbent Insurance, Inc. and Muncie Insurance & Financial Services, Inc. in the course of discovery herein.
- 8. Nationwide's loss ratio for PIP coverages written in Delaware, including without limitation the extent to which such loss ratio has historically been more or less favorable than the loss ratios for other automobile insurance coverage parts written by Nationwide in Delaware.
- 9. Nationwide's loss ratio for PIP coverages generally (without regard to the geographic limits of Delaware), including without limitation the extent to which such loss ratio has historically been more or less favorable than the loss ratios for other automobile insurance coverage parts written by Nationwide.
- 10. The approximate number of automobile insurance policies issued by Nationwide for vehicles registered in the State of Delaware for each year since 2001.
- 11. The approximate number of automobile insurance policies issued by Nationwide for vehicles registered in the State of Delaware, and which provide or purport to provide limits of

liability for PIP coverage of \$15,000 per person and \$30,000 per accident, for each year since 2001.

- 12. The number and identity of Nationwide's insurance agents in Delaware.
- 13. The existence *vel non*, location and organization of any documents that refer or relate to any of the Matters for Examination set forth herein, and the identity of any custodian for any such documents.

Respectfully submitted,

MURPHY SPADARO & LANDON

/s/ John S. Spadaro
John S. Spadaro, No. 3155
1011 Centre Road, Suite 210
Wilmington, DE 19805
(302)472-8100

Attorneys for plaintiffs
Thomas A. Eames, Roberta L. Eames and Tammy
Eames (on behalf of themselves and all others
similarly situated)

January 20, 2006

I SECTION

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, ROBERTA L. EAMES)	
and TAMMY EAMES, on behalf of)	
themselves and all others)	
similarly situated,)	
)	
Plaintiffs,)	C.A. No. 04-CV-1324KAJ
)	
v.)	
)	
NATIONWIDE MUTUAL INSURANCE)	
COMPANY,)	
)	
Defendant.)	

NOTICE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

Nicholas E. Skiles, Esq. Swartz Campbell LLC 300 Delaware Avenue, Suite 1130 P.O. Box 330 Wilmington, DE 19899

MURPHY SPADARO & LANDON

/s/ John S. Spadaro John S. Spadaro, No. 3155 1011 Centre Road, Suite 210 Wilmington, DE 19805 (302) 472-8100

Attorneys for plaintiffs Thomas A. Eames, Roberta L. Eames and Tammy Eames (on behalf of themselves and all others similarly situated)

January 20, 2006

April	7, 2000
Page 1	Page 3
IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF DELAWARE	1 INDEX
• • •	2 3 WITNESS: PAGE
THOMAS A. EAMES, ROBERTA L. : CIVIL ACTION	4 THOMAS EAMES
EAMES and TAMMY EAMES, on behalf of themselves and all : Others similarly situated	5 BY: MR. MARINO 4, 41 6 BY: MR. EDWARDS 39
: NO. D4-CV-1324-KAJ	7
NATIONWIDE MUTUAL INSURANCE	8 ***
COMPANY :	10 EXHIBITS
• • • •	11 NUMBER DESCRIPTION PAGE
Oral deposition of THCMQAS EAMES, held in the law offices of Swartz Campbell, LLC, 300	12 T. Earnes-1 Response to Interrogatories 16 13 T. Earnes-2 Statement 28
Delaware Avenue, Suite 1130, Wilmington, Delaware, on Thursday, April 27, 2006, beginning at approximately	14 T. Earnes-3 Amended Complaint 34
1:30 P.M., before Audree E. Burg, Certified Court Reporter and Notary Public in and for the Commonwealth	15
of Pennsylvania.	16 17
* * *	18
KARASCH & ASSOCIATES	19
REGISTERED PROFESSIONAL REPORTERS PENNSYLVANIA and DELAWARE	20 21
(800) 621-5689	22
.}	23
}	24
Page 2	
1 APPEARANCES:	1 (It is hereby stipulated and agreed
2 MURPHY, SPODARO & LANDON BY: PHILIP EDWARDS, ESQUIRE	2 by and between counsel for the respective
3 1011 Centre Road - Suite 210	parties that signing, sealing, certification, and filing are waived; and
Wilmington, DE 19805	5 that all objections, except as to the form
Representing the Plaintiffs 5	6 of the question, are reserved until the time
FOWLER, WHITE, BOGGS, BANKER	7 of trial.)
6 BY: JOHN P. MARINO, ESQUIRE 50 North Laura Street - Suite 2200	8 THOMAS EAMES, after having been 9 first duly swom, was examined and testified
7 Jacksonville, FL 32202 8 Representing the Defendant	10 as follows:
9 ALSO PRESENT:	11 EXAMINATION 12 BY MR. MARINO:
Curtis Cheyney, Esquire Yvone Chambers, Esquire	13 Q. We met earlier. I'm John Marino. I
11 12	14 represent the defendant, Nationwide Mutual Insurance
13	15 Company in this case. When I refer to Nationwide
14	16 during the deposition I'm referring to Nationwide 17 Mutual Insurance Company; do you understand that?
16 17	18 A. Yes.
18	19 Q. Next to me is Mr. Cheyney. He also
19 20	20 represents Nationwide. At the end of the table is 21 Yvonne Chambers. She's with the general counsel's
21	22 office with Nationwide.
22 23	23 Before we get started I will go over a
24 25	24 couple ground rules. If you don't hear or understand a
23	25 question I asked, I ask that you ask me to ask it again

1 (Pages 1 to 4)

1 11 11 11 11

THOMAS EAMES April 7, 2006

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ĺ	Page 5	l	Page 7
1	or rephrase it.	1	Q. You drive the forklift?
2	A. Yes.	2	A. Right.
3	Q. If you answer a question I'm going to assume	3	Q. Move them around and get them where they nee
4	that you understood it; okay?	4	
5	A. Yes.	5	A. Right.
6	Q. You had your deposition taken at least once	6	Q. What is the business address?
7	before. That's my guess. The way it works I ask the	7	A. It is Lewes Georgetown Highway.
8	question, you answer. We can't talk over each other.	8	Q. Is there an office there?
1.9	That is hard to do. The court reporter will have a	9	A. Yes.
	<u> </u>	10	
111	A. Okay.	111	A. No.
12	Q. If you need a break, let me know.	12	Q. You don't go there often? A. No.
14	A. Okay. Q. Are you presently under any medication that	14	
	would affect your ability to testify?	15	A. Yes.
16		16	
17		17	A. I've been with that owner of the company
18			since December of 1995.
19		19	Q. There was a change of ownership in December
20			of 1995?
21	A. Thomas Allen Earnes.	21	A. Right. Two to three different owners of the
22	Q. Have you ever been known by any other name	222	company.
23	A. No, other than Tom.	23	
24	Q. What is your date of birth?	24	A. Same group of guys since about 1974.
25	A. 12/21/55.	25	Q. Doing the same kind of work?
1	Page 6		Page 8
1	Q. Residence address?	1	A. Yes. Originally I started out as labor.
2	A. 14908 Concord Road, Seaford, Delaware.	2	Then I went to pouring concrete. Now I'm back to
3	Q. You live with your wife?	3	driving a forklift.
4	A. Yes.	4	Q. That's the type of work you have been doing
5	Q. Your daughter Tammy lives with you?	5	since 1974?
6	A. Yes.	6	A. Yes.
7	Q. Do any other children live there with you?	7	Q. Did you graduate from high school?
8	A. No.	8	A. Yes.
10	Q. Are you employed? A. Yes.	9	Q. When? A. 1974.
11	Q. What do you do?	10 11	
12	A. I drive a forklift and do labor work.	12	Q. You had one job since then?A. Yes.
13	Q. Are you employed by a company?	13	Q. Where did you graduate from?
14	A. Yes.	14	A. Sussex Central in Georgetown.
15	Q. Who is that?	15	Q. Did you ever attend any college courses?
16	A. Peninsula Masonry.	16	A. No.
17	Q. You do masonry work?	17	Q. Junior college?
18	A. Just drive the forklift and carry block.	18	A. No.
19	Q. You carry	19	Q. Any other education or training?
20	A. Block. I don't lay block.	20	A. I went to vocational in high school.
21	Q. You carry it. Do you assist in laying it?	21	Q. Anything after high school?
22	A. No. I just stock block, brick. Whatever the	22	A. No.
23	masons need I get what they need.	23	Q. No other types of courses?
24 25	Q. You bring the bricks to them?	24	A. No.
123	A. Right.	_25	O. Have you had your deposition taken before?

2 (Pages 5 to 8)

	April 7, 2000		
	Page	Page 11	
1	A. Yes.	1 A. Sexual harassment.	
2	Q. How many times?	2 Q. Do you know about what year that was?	
3	A. Twice.	3 MR. EDWARDS: Objection. This is	
4	Q. Counting this time twice, or twice before?	4 outside certification issues. Relevance.	
5	A. Twice before this time.	5 BY MR. MARINO:	
6	Q. When was the last time you had your	6 Q. You were deposed once in that case?	
1 7	deposition taken?	7 A. Yes.	
8	A. February, I think.	8 Q. Is that case over?	
وا	Q. Of this year?	9 A. Yes.	
10	A. Yes.	10 Q. How was it resolved?	
11	Q. Was that in connection with a lawsuit?	11 A. The company paid them off.	
12	A. Yes,	12 Q. Is that in Delaware?	
13	Q. What lawsuit was that?	13 A. Yes.	
14		14 MR. EDWARDS: Continuing objection.	
15		15 MR. MARINO: You can have a	
16		16 continuing objection.	
17	Q. Is that a lawsuit that you and your wife and	17 BY MR. MARINO:	
18		18 Q. Other than earlier this year in connection	
19	A. Yes, sir.	19 with the case where you were a plaintiff and some time	
100	Q. You are suing somebody in connection with		
121	injuries you received in that accident; correct?	21 defendant, are there any other occasions where you gav	
22	A. Correct.	22 deposition testimony?	
23		23 A. No.	
24	~ · · · · · · · · · · · · · · · · · · ·	24 Q. Have you ever testified at any trials?	
25		25 A. No.	
	Page 1	Page 12	
. ,	A. Yes.	1 Q. Were you giving testimony in any kind of	
2	Q. You are a plaintiff in that lawsuit?	2 arbitration or other proceeding?	
] 3	A. Yes, sir.	3 A. No.	
4	Q. Who is your lawyer?	4 Q. Other than the case you have going on now for	
5	A. Clayton Bunning.	5 personal injuries and this prior case where you were a	
1 6	Q. Do you know who the lawyer is for the	6 defendant, had you ever been a party to any other	
	actendant in that case?	7 litigation?	
8	A. I don't remember.	8 A. No.	
9	Q. A woman took your deposition?	9 Q. Did you prepare for your deposition today?	
10	A. Yes.	10 A. Yes.	
11	Q. Do you know the first name?	11 Q. What did you do to prepare?	
115	A. I believe it was Miranda.	12 MR. EDWARDS: Don't divulge the	
(15	Q. There was another time you had your	13 content of the conversation or anything like	
14	deposition taken?	14 that.	
15	A. Yes.	15 You can say when, where. No	
16	Q. When was that?	16 discussion as to what was discussed.	
[17]	A. I can't remember the exact. Maybe 19 years	17 THE WITNESS: Mr. Spadaro yesterday.	
į., \$	ുള്ളം.	18 BY MR. MARINO:	
19	Q. In connection with a case, a lawsuit?	19 Q. Where did you meet?	
20	A. Yes.	20 A. Clayton Bunning's office in the conference	
21	Q. What kind of case was that?	21 room.	
32	A. A lawsuit against me.	22 Q. Who else was there?	
23	Q. Somebody sued you?	23 A. My wife and Tammy.	
24	A. Yes.	24 Q. It was your wife, Tammy and Mr. Spadaro?	
25	O. What did they sue you for?	25 A. And Mr. Bunning came in.	

3 (Pages 9 to 12)

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<u></u>	Page 13	<u> </u>	Page 15
1	Q. Was Mr. Bunning there the whole time?	1	Q. In this case, the case we're here on today?
2	A. No.	2	A. Mr. Spadaro.
3	Q. He came in and out?	3	Q. He is your lawyer in this case?
4	A. Correct.	4	A. Yes.
5	Q. How long did you meet?	5	Q. Did you retain Mr. Spadaro to represent you
6	A. Maybe an hour, maybe a little more.	6	in this case?
7	Q. Were all three of you meeting with Mr.	7	A. Did I seek him out?
8	Spadaro together or separate?	8	Q. Yes.
9	A. Together.	9	A. Not personally, no.
10	Q. You met personally with Mr. Spadaro	10	Q. How did he come to represent you in this
11	yesterday, correct?	11	
12	A. Yes.	12	A. Through Clayton Bunning.
13	Q. Prior to yesterday had you ever met Mr.	13	Q. Do you know what a class action is?
14	Spadaro before?	14	A. Yes. Q. What is it?
15	A. No.	15 16	A. When an individual or group of people
16 17	Q. Prior to today had you ever met Mr. Edwards?A. No.		represent other individuals with a similar situation.
18	Q. Prior to yesterday when you met Mr. Spadaro,	18	Q. When did you learn that?
19	had you ever met anyone from Murphy, Spadaro and	19	A. I think I pretty much know what it means, I
	Landon?		believe. I hear about it on TV all of the time.
21	A. No.	21	Q. Do you know what it means to be a class
22	Q. Had you ever talked with Mr. Spadaro prior to	١.	representative?
ı	yesterday, on the phone?	23	A. You are representing an individual with the
24	A. I might have talked to him one time. He	24	same situation that you are in.
25	wanted to talk to my wife, not specifically me.	25	Q. Do you know what duties are expected of a
	Page 14	}	Page 16
1	Q. You may have talked to him one time but you	1	class representative?
2	don't recall?	2	A. Not really. Just to tell the truth.
3	A. I always relay the message to my wife.	3	Q. Did you have any other understanding of the
4	Q. Prior to yesterday other than Mr. Spadaro	4	duties of a class representative?
5	have you talked with anyone from that law firm?	5	A. Not really.
6	A. No.	6	Q. Do you know what fiduciary duties are?
7	Q. Did you review any documents when you	7	A. No.
8	prepared yesterday? A. Yes.	8	Q. Have you ever heard that term before? A. No.
10	Q. What documents did you review?	10	Q. You are seeking to be a class representative
11	A. I don't know what they are called. I looked	-	in this case; aren't you?
	at some documents yesterday. I don't know the specifi		A. Yes.
	name.	13	Q. Have you ever sought to be a class
14	Q. How many did you look at?		representative in any other case?
15	A. At a couple.	15	A. No.
16	Q. Around two?	16	MR. MARINO: Mark this as T.
17	A. We had a pile of stuff in front of us.	17	Eames-1.
18	Three, four documents.	18	(Whereupon, Exhibit T. Eames-1 was
19	Q. Is there anything else other than what you	19	so marked for identification by the court
20	already testified to that you did to prepare for your	20	reporter, being Plaintiff's Response to
21	deposition today?	21	Interrogatories.)
22	A. No.		BY MR. MARINO:
23	Q. You are represented by a lawyer in this case;	23	Q. I'm putting before you T. Eames-1. Are these
	aren't you? A. Which case?		your interrogatory responses to Nationwide's
25	A. Willell case?	۷٦_	interrogatories?

4 (Pages 13 to 16)

	Page 17		Page 19
1	A. May I read it?	1	A. I don't believe so.
2	Q. Sure. Have you ever seen this before?	2	Q. Have you personally communicated with anyone
3	A. No.		from Nationwide Mutual Insurance Company?
4	Q. This morning is the first time you have seen	4	A. Those two individuals.
5	what is marked as exhibit one?	5	Q. Those two individuals. They are from Culver
6	A. Yes.	6	Insurance Agency?
7	Q. You were never asked to review this document	7	A. Yes.
8	prior to February 14, 2006?	8	Q. Have you ever personally communicated with
9	A. No.	9	anybody from Nationwide Mutual Insurance Company?
10	Q. You were never asked to sign these answers to	10	MR, EDWARDS: Asked and answered.
11	interrogatories under oath, were you?	11	THE WITNESS: They represent
12	A. To the best of my recollection, no.	12	Nationwide so I spoke to those two
13	Q. Did anyone ever consult with you about these	13	individuals.
14	, , ,	•	BY MR. MARINO:
15	A. I can't recall. I don't believe so.	15	Q. Other than those two individuals have you
16	Q. Look at interrogatory number three on page		ever personally communicated with anybody else
	three.	h .	regarding insurance?
18	"Identify all past or present Nationwide	18	A. I don't believe so. Not that I can recall.
19			Q. When did you first communicate with Keith
20	regarding the insurance policy issued in the		Culver?
21 22	complaint".	21	A. Probably when we first got our policy back in
$\frac{22}{23}$	It makes some objections. MR. EDWARDS: 1 make the same	22	1994. Q. Do you recall when it was?
24		24	A. I don't recall the specific date, no. He was
25	objections here today that are in the interrogatory answer.		the owner of the Nationwide company that we dealt wif
120		42	Page 20
١,	Page 18 BY MR. MARINO:		_
1 2		2	Q. Do you recall specifically talking to Keith Culver in 1994?
	Q. "Subject to and on information and belief Mr. Eames states he may have communicated personally with	3	A. I talked to both of them in 1994.
	Linda Sanders and/or Keith Culver of the Culver	4	Q. You don't recall when, do you?
	Insurance Company now known was Muncie Insurance and		A. I don't remember the exact date, no.
	Financial Services, Inc.".	6	Q. Do you remember how many times you talked to
7	Do you see that?	7	either one of them?
8	A. Yes.	8	A. No.
9	Q. Why do you say on information and belief you	9	Q. Did you talk on the phone or in person?
10	may have communicated personally with these people?	10	A. In person and on the mostly in person, My
11	MR. EDWARDS: Objection.	11	wife does all of the phone calls.
12	THE WITNESS: Because I have spoken	12	Q. You go places and she talks on the phone?
13	to these people.	13	A. I prefer to do face-to-face.
14	BY MR. MARINO:	14	Q. When was the first time you met Mr. Culver
15	Q. Why does the answer say on information and	15	face-to-face?
16	belief you may have communicated?	16	A. It was in 1994. I don't recall a specific
17	A. The whole time we had insurance with	17	date or time.
	Nationwide I talked off and on with these people, I	18	Q. When you met Mr. Culver in 1994 was your wif
19			with you?
	know,	20	A. I don't recall.
21	Q. You have personally communicated with Linda	21	Q. Do you specifically recall meeting Ms.
	Sanders or Keith Culver?		Sanders in 1994?
23	A. Yes.	23	A. Yes. I met her in 1994. I don't recall the
24	Q. Have you ever communicated with anyone else		specific date. Yes, I met her in 1994.
' 43	from the Culver Insurance Agency other than those two?	25	O. Was your wife with you?

5 (Pages 17 to 20)

THOMAS EAMES April 7, 2006

1 A. To me full coverage was anything that 2 Q. Tammy wasn't with you, was she? 3 A. No. It might be 1992. I don't remember 4 exactly when. Somewhere in that timeframe, I think. Q. It could be 1992. 6 A. I don't know. Q. It was a long time ago, wasn't it? 8 A. Right. 9 Q. If you taked with Mr. Culver and Ms. 10 Sanders, is it your testimony that was in person? 11 A. Yes. 12 Q. Do you recall ever talking to one of them on 13 the phone? 13 the phone? 14 A. I don't recall. 15 Q. Do you know how many times you may have met with one of the with one or both of them in person? 16 with one or both of them in person? 17 A. No. 18 Q. Do you know why you may have met with one of the with one or both of them in person? 19 them in person? 20 A. For auto insurance. A. Yes. 19 Q. How long did you meet with her? 21 Q. That was in 1994? 22 A. Somewhere around that date. 24 Q. That was in 1994? 25 A. I wanted to purchase some auto insurance and 6 I wanted full coverage auto insurance. A. I wanted full coverage auto insurance. A. I wanted full coverage auto insurance. A. To me full coverage auto insurance. A. Yes. Q. Do you ment with her? A. I don't recall loverage auto insurance. A. I wanted full coverage auto insurance. A. Yes. Q. What does that mean? 10 Q. What does that mean? 11 A. To me full coverage auto insurance. A. Yes. Q. What does that mean? Q. What does that mean? Q. What open and insurance of the was purchase, flaif overage, in cover all medical and that type of thing. What all wanted full coverage auto insurance. Q. What types of auto insurance. A. What do you mean? Q. What does that mean? Q. What does that mean? Q. What does that mean? Q. What open and insurance did you request? A. What do you understand there might be different to type so a functory and the proposition of		Page 21		Page 23
2 Q. Tammy wasn't with you, was she? 3 A. No. It might be 1992. I don't remember exactly when. Somewhere in that timeframe, I think. 5 Q. It could be 1992? 6 A. I don't know. 7 Q. It was a long time ago, wasn't it? 8 A. Right. 9 Q. If you talked with Mr. Culver and Ms. 12 Q. Do you recall ever talking to one of them on 13 the phone? 11 A. Yes. 12 Q. Do you recall ever talking to one of them on 14 the phone? 13 Q. Do you know how many times you may have met with one of both of them in person? 14 A. I don't recall. 15 Q. Do you know why you may have met with one of with one or both of them in person? 16 with one or both of them in person? 17 A. No. 18 Q. Do you know why you may have met with one of 18 the phone? 19 A. For auto insurance. 20 A. For auto insurance. 21 Q. You went to the office? 22 A. Yes. I met Linda about auto insurance on a 23 truck I had. 24 Q. That was in 1994? 25 A. Somewhere around that date. Page 24 1 Q. How long did you meet with her? 2 A. I don't remember what was said during that 4 meeting? 3 A. Yes. 9 Q. Is it your testimony that you told Mrs. 16 whatef full coverage auto insurance. 17 Q. Is it your testimony that you told Mrs. 18 Sanders you wanted full coverage auto insurance. 29 A. Yes. 20 Q. It was a long time ago, wasn't it? 20 A. Yes. 21 Q. Move to you meet with her? 22 A. Yes. 23 A. Yes. 24 Q. That was an oral communication? 25 A. Yes. 26 A. Was does that mean? 27 A. It also there hanging. I thought I was getting would a was oral communication? 28 A. Yes. 29 A. She told me that is what I was? 29 A. Yes. 29 A. She told me that is what I was? 29 A. Yes. 29 A. She told me that is what I was? 29 A. Yes. 20 Do you know specifically what year it was? 29 A. Yes. 29 A. Yes. 20 A. Yes. 30 A. Yes. 31 A. No. 32 A. Yes. 33 A. Was don't recall when it was? 44 A. No. 45 A. No. 46 A. No. 47 A. No. 48 A. Wastever needs to be taken care of To me that's that I was referred to me by the coverage, to cover all medical and that type of thing. 39 A. Wastever full coverage was. Maybe I'm not say that	1	A I don't helieve so.	1	A. To me full coverage was anything that
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4 exactly when. Somewhere in that timeframe, I think. 5 Q. It could be 1992? 6 A. I don't know. 7 Q. It was a long time ago, wasn't it? 8 A. Right. 9 Q. If you talked with Mr. Culver and Ms. 10 Sanders, is it your testimony that was in person? 11 A. Yes. 12 Q. Do you recall ever talking to one of them on 13 the phone? 13 A. Pos. 14 A. I don't recall. 15 Q. Do you know how many times you may have met with one or both of them in person? 16 With one or both of them in person? 17 A. No. 18 Q. Do you know why you may have met with one of 18 would be taken care of. 19 them in person? 20 A. For auto insurance. 21 Q. You went to the office? 22 A. Yes. I met Linda about auto insurance on a 23 truck I had. 23 truck I had. 24 Q. How long did you meet with her? 25 A. I wanted to purchase some auto insurance and 6 I wanted full coverage auto insurance. 26 Q. Do you remember. 27 Q. It wanted full coverage auto insurance. 28 Q. What does that mean? 19 Q. What does that mean? 10 Q. Did Keith ever tell you that? A. I don't recall. I talked to her about my 11 A. I don't recall. 12 I wanted full coverage, medical if anything happened overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would not be left overlyiming would be taken care of. I would				
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6 A. Correct. I specifically said that's what I 7 Q. If was a long time ago, wasn't it? 8 A. Right. 9 Q. If you talked with Mr. Culver and Ms. 10 Q. Do you restimony that was in person? 11 A. Yes. 12 Q. Do you restle ever talking to one of them on the phone? 13 Q. Do you know how many times you may have met with one or both of them in person? 14 A. I don't recall. 15 Q. Do you know why you may have met with one or both of them in person? 16 with one or both of them in person? 17 A. No. 18 Q. Do you know why you may have met with one or both of them in person? 20 A. For auto insurance. 21 Q. You went to the office? 22 A. Yes. I met Linda about auto insurance on a struck I had. 23 truck I had. 24 Q. That was in 1994? 25 A. Somewhere around that date. Page 22 1 Q. How long did you meet with her? 2 A. I don't remember. 3 Q. Do you remember what was said during that meeting? 4 A. I wanted full coverage auto insurance and I wanted full coverage auto insurance. A. Yes. 9 Q. What does that mean? 10 Q. Exactly what did Linda tell you? Could you wereything in something happened to worth the same time what I was getting. 10 Q. Exactly what did Linda tell you? Could you wereything would be taken care of. I would not be left would be taken care of. I would not be left was lidl kake care of my medical, or if something happened. 22 A. Yes. I met Linda about auto insurance and worth the was in 1994? 23 A. I wanted full coverage auto insurance. 24 Q. That was in 1994? 25 A. Somewhere around that date. 26 Page 24 1 Q. How long did you meet with her? 27 A. I don't recall when it was mirrepresented to me by the agent. I thought I was fully covered by what happened. 28 A. Yes. 29 Q. You don't recall when it was? 40 A. She told me that is what I was full coverage. 41 Q. That was an oral communication? 42 Q. That was an oral communication? 43 Q. That was an oral communication? 44 Q. That was an oral communication? 45 Q. You don't recall when it was? 46 A. She told me that full coverage was.	5		5	covered?
8 Å. Right. 9 Q. If you talked with Mr. Culver and Ms. 10 Sanders, is it your testimony that was in person? 11 A. Yes. 12 Q. Do you recall ever talking to one of them on 13 the phone? 13 the phone? 14 A. I don't recall. 15 Q. Do you know how many times you may have met with one or both of them in person? 16 with one or both of them in person? 17 A. No. 18 Q. Do you know why you may have met with one or both of them in person? 20 A. For auto insurance. 21 Q. You went to the office? 21 A. Yes. I met Linda about auto insurance on a 23 truck I had. 22 A. Yes. I met Linda about auto insurance on a 23 truck I had. 23 truck I had. 24 Q. That was in 1994? 25 A. Somewhere around that date. 26 Q. How long did you meet with her? 27 A. I don't remember. 28 A. I wanted full coverage auto insurance. 29 A. Yes. 20 A. I wanted full coverage auto insurance. 30 Q. What does that mean? 4 A. No. 4 Q. That was in 1994? 5 A. I wanted full coverage auto insurance. 5 A. I wanted full coverage auto insurance. 6 I wanted full coverage auto insurance. 9 A. Yes. 9 A. She told me that is what I was full coverage auto insurance. 10 Q. What does that mean? 11 A. I don't recall. I talked to her about my 12 insurance policy. Everything alvays was full coverage. 13 Q. Do you kndow how many times you may have met with one of them on 14 I wanted the ower of a 17 wanted full coverage auto insurance. 16 I wanted full coverage auto insurance. 17 would be taken care of. I would not be left 20 like I was mith this, out there hanging. I thought I was fully covered by what happened. 19 would be taken care of. I would not be left 21 like I was mith this, out there hanging. I thought I was fully covered by what happened. 24 Q. That was an oral communication? 25 A. Yes. 26 A. Yes. 27 A. Yes. 28 A. Yes. 29 A. Yes. 30 Q. What does that mean? 40 A. No. 51 A. I don't recall. I talked to her about my 52 A. Yes. 53 Q. From Ms. Sanders? 54 A. No. 55 Q. From Ms. Sanders? 65 A. She told me i had full coverage was May be I'm not 5 saying it right. 66 A. No Coverage,	1		6	A. Correct. I specifically said that's what I
A. Right. Q. If you talked with Mr. Culver and Ms. 10 Sanders, is it your testimony that was in person? 11 A. Yes. Q. Do you recall ever talking to one of them on 13 the phone? 13 the phone? 14 A. Idon't recall. Q. Do you know how many times you may have met 15 in surance policy. Everything always was full coverage. 17 A. No. 18 Q. Do you know how many times you may have met with one or both of them in person? 18 Q. Do you know why you may have met with one of 18 in person? 19 would be taken care of. 19 What did Linda tell you? Could you have member that pecific words? 10 A. No. 11 A. Ton't recall. 11 A. Ton't recall. 12 Q. Do you know why you may have met with one of 18 in was fold coverage, medical if anything happened everything would be taken care of. 19 would be taken care of. 20 A. Yes. I met Linda about auto insurance on a 23 truck I had. 21 Q. How long did you meet with her? 22 A. Somewhere around that date. 22 A. Somewhere around that date. 23 Truck I had. 24 Q. That was in 1994? 25 A. Somewhere around that date. 26 Q. How long did you meet with her? 27 A. I don't remember. 28 Q. Do you remember what was said during that meeting? 29 A. I don't recall. 29 A. Yes. 20 Linda tell you? Could you member specific words? 21 A. Nobody remembers specific words? 22 In would be taken care of. 23 would be taken care of. 24 Was with this, out there hanging. I thought I was full yo covered by what happened everything is used in surance. 29 A. Yes. 20 A. Yes. 21 Q. How long did you meet with her? 22 A. I don't recall. 23 truck I had. 24 Q. That was an oral communication? 25 A. Yes. 26 A. I wanted full coverage auto insurance and I wented full coverage auto insurance. 27 A. Yes. 28 A. I wanted to purchase some auto insurance and I wented full coverage auto insurance. 39 Truck I had. 40 A. To me full coverage is if you are in an accident everything is taken care of. To me that's late the policy of the properties o	7	Q. It was a long time ago, wasn't it?	7	was looking for. I was told that's what I was getting.
10 Sanders, is it your testimony that was in person? 11 A. Yes. 12 Q. Do you recall ever talking to one of them on 13 the phone? 14 A. I don't recall. 15 Q. Do you know how many times you may have met 16 with one or both of them in person? 17 A. No. 18 Q. Do you know why you may have met with one 18 them in person? 20 A. For auto insurance. 21 Q. You went to the office? 21 A. Yes. I met Linda about auto insurance on a struck I had. 22 A. Yes. I met Linda about auto insurance on a struck I had. 23 truck I had. 24 Q. That was in 1994? 25 A. Somewhere around that date. 26 Page 22 1 Q. How long did you meet with her? 27 A. I don't recall. 28 A. Yes. 3 Q. Do you know why you may have met with one of them in person? 29 A. Yes. I met Linda about auto insurance on a struck I had. 20 That was in 1994? 21 A. Somewhere around that date. 22 A. Yes. 3 Q. Do you went with was said during that meeting? 23 A. To me full coverage auto insurance. 4 A. Yes. 4 A. Yes. 5 A. To wanted full coverage auto insurance. 5 A. Yes. 6 Q. What does that mean? 7 A. Yes. 7 Q. What does that mean? 8 A. To me full coverage auto insurance. 9 A. Yes. 10 A. To me full coverage auto insurance. 11 That's what I wanted to purchase. That's what I was led to believe I was purchasing, full coverage, to cover all medical and that type of thing. 16 That is what I was led to believe I was purchasing, full coverage, to cover all medical and that type of thing. 17 Coverage, to cover all medical and that type of thing. 18 That is what I was led to believe I was purchasing, full coverage, to cover all medical and that type of thing. 19 Q. What types of auto insurance did you request? 10 Q. Do you understand there might be different types of auto coverages? 21 Q. Do you understand there might be different types of auto coverages? 22 Q. Do you understand there might be different types of auto coverages? 23 Q. Do you understand there might be different types of auto coverages? 24 Q. That's the type you thought you were	8		8	Q. Who told you that?
11 A. I don't recall. I talked to her about my 12 insurance policy. Everything always was full coverage. 13 the phone? 14 A. I don't recall. 15 Q. Do you know how many times you may have met 16 with one or both of them in person? 17 A. No. 18 Q. Do you know why you may have met with one of low you know why you may have met with one or low you know why you may have met with one or low you know why you may have met with one or low you know why you may have met with one or low you know why you may have met with one or low you know why you may have met with one or low you know why you may have met with one or low you know why you may have met with one or low you know why you may have met with one or low you know why you may have met with one or low you know why you may have met with one or low you know why you may have met with one or low you know why you may have met with one or low you wanted full coverage. 19 them in person? 20 A. For auto insurance. 21 Q. You went to the office? 22 A. Yes. I met Linda about auto insurance on a truck I had. 23 truck I had. 24 Q. That was in 1994? 25 A. Somewhere around that date. 26 A. Somewhere around that date. 27 A. I don't recall. Everything always was full coverage, medical if anything happened overything would be taken care of. I would not be left would not be left you do the taken care of in what I was getting it would take care of my medical, or if something happened overything is taken care of. Your but a gent. I thought I was fully coverage to me by the agent. I thought I was fully covered by what happened. 28 Q. How long did you meet with her? 29 A. I don't recall. What you wanted full coverage auto insurance and insurance a	9	Q. If you talked with Mr. Culver and Ms.	9	A. Linda.
12 Insurance policy. Everything always was full coverage. 13 the phone? 14 A. I don't recall. 15 Q. Do you know how many times you may have met with one or both of them in person? 16 A. No. 17 A. No. 18 Q. Do you know why you may have met with one or life in them in person? 20 A. For auto insurance. 21 Q. You went to the office? 22 A. Yes. I met Linda about auto insurance on a life in which is made in the property of the many and in the property of	10	Sanders, is it your testimony that was in person?	10	
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14 Å. I don't recall. Q. Do you know how many times you may have met with one or both of them in person? A. No. Q. Do you know why you may have met with one of 18 years of 19 them in person? A. Yes. I met Linda about auto insurance on a 23 truck I had. Q. That was in 1994? A. Somewhere around that date. Page 22 1 Q. How long did you meet with her? A. I don't remember. Q. I how long did you meet with her? A. I don't remember. Q. Is it your testimony that you told Mrs. Sanders you wanted full coverage auto insurance. A. Yes. Q. What does that mean? A. To me full coverage auto insurance. A. To me full coverage is if you are in an accident everything is taken care of. Your bills are an accident everything is taken care of. Your bills are that was led to believe I was purchasing, full roverage, to cover all medical and that type of thing. That is what I thought I was getting. Q. What types of auto coverages? Q. What doy ou mean? Q. What do	12	Q. Do you recall ever talking to one of them on	12	
15 Q. Do you know how many times you may have met 16 with one or both of them in person? 16 A. No. 17 A. No. Q. Do you know why you may have met with one of 17 would be taken care of. 18 Q. Do you know why you may have met with one of 18 you are in an 18 you. 19 you went to the office? 20 A. For auto insurance. 21 Q. You went to the office? 22 A. Yes. I met Linda about auto insurance on a 23 truck I had. 23 truck I had. 24 Q. That was in 1994? 25 A. Somewhere around that date. 26 Page 22 1 Q. How long did you meet with her? 2 A. I don't remember. 3 Q. Do you remember what was said during that meeting? 4 A. I wanted full coverage auto insurance. 6 Q. Is it your testimony that you told Mrs. 8 Sanders you wanted full coverage auto insurance. 9 A. Yes. 9 A. Sanders you wanted full coverage auto insurance. 10 Q. What does that mean? 11 A. To me full coverage is if you are in an 2 accident everything is taken care of. To me that's what I wanted to purchase. That's what I wanted to purchase. That's what I wanted to purchase. That's what I wanted full coverage insurance. 10 Q. What types of auto insurance. 11 Lasked her two of three times if this was full coverage insurance. 12 Q. What types of auto insurance. 13 Paid, whatever needs to be taken care of. To me that's what I wanted full coverage insurance. 14 full coverage auto insurance. 15 That's what I wanted to purchase. That's what I wanted full coverage? 16 Q. What types of auto insurance did you request? 17 A. No. 18 A. No. 19 Q. What types of auto insurance and that date. 19 Q. What types of auto insurance. 10 Q. What types of auto insurance. 11 Lasked her two of three times if this was full coverage? 12 Q. Do you understand there might be different types of auto coverages? 18 A. Correct. 19 Q. You told her you wanted full coverage? 20 A. Correct. 21 Q. Do you thought I was getting. 22 A. Yes. 23 Q. What types of auto insurance. 24 Q. You told her you wanted full coverage? 25 A. Correct. 26 Q. You told her you wanted	13	the phone?		
16 with one or both of them in person? A. No. 18 Q. Do you know why you may have met with one of 18 19 them in person? A. For auto insurance. 20 A. For auto insurance. 21 Q. You went to the office? 22 A. Yes. I met Linda about auto insurance on a truck I had. 23 truck I had. 24 Q. That was in 1994? 25 A. Somewhere around that date. Page 22 1 Q. How long did you meet with her? 2 A. I don't remember. 3 Q. Do you remember what was said during that meeting? 3 Q. Do you remember what was said during that meeting? 4 A. Yes. 5 A. I wanted to purchase some auto insurance and I wanted full coverage auto insurance. 9 A. Yes. 9 A. Yes. 10 Q. What does that mean? 11 Q. What does that mean? 12 Q. What does that mean? 13 paid, whatever needs to be taken care of. To me that's full coverage auto insurance. 14 full coverage auto insurance. 15 That's what I wanted to purchase. That's full coverage, to cover all medical and that type of thing. That is what I thought I was getting. 16 I wanted full coverage, medical if anything happened would be taken care of. I would be taken care of. I would not be left everything would be taken care of. I would not be left everything would be taken care of. I would not be left to like I was with this, out there hanging, I thought I had something. It was mist presented to me by the agent. I thought I was full coverage agent. I thought I was full coverage agent. I thought I was full coverage agent. I thought I was full was left in thought I was full coverage agent. I thought I was full was left in the was full coverage agent. I thought I was full was left in the was full coverage agent. I thought I was full was left in thought I was left in the was full coverage agent insurance. 9 A. Yes. 10 Q. What types of coverage was. Maybe I'm not saying it right. 11 Coverage and had an oral conversation with her? 12 Q. What types of auto insurance did you request? 13 Q. You told her you wanted full coverage? 14 A. What do you meet with the present in the was full would be taken care of my medical, o				
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6 I wanted full coverage auto insurance. 7 Q. Is it your testimony that you told Mrs. 8 Sanders you wanted full coverage auto insurance. 9 A. Yes. 9 A. Yes. 10 Q. What does that mean? 11 A. To me full coverage is if you are in an accident everything is taken care of. Your bills are paid, whatever needs to be taken care of. To me that's full coverage auto insurance. 13 paid, whatever needs to be taken care of. To me that's full coverage auto insurance. 14 full coverage auto insurance. 15 That's what I wanted to purchase. That's what I was led to believe I was purchasing, full coverage, to cover all medical and that type of thing. 18 That is what I thought I was getting. 19 Q. What types of auto insurance did you request? 10 Q. What types of auto insurance did you request? 11 Q. Do you understand there might be different types of auto coverages? 12 A. Liability. We always carried full coverage. 13 A. Liability. We always carried full coverage. 14 A. Back in early 1990. 7 Q. You don't recall specifically what was said, 8 do you? 9 A. She told me I had full coverage. I recall 10 that. I asked her two or three times if this was full 11 coverage insurance. She told me it was full 11 coverage insurance. She told me it was full 11 coverage insurance. 15 Q. What types of coverages was. Maybe I'm not 15 saying it right. 16 Q. You testified that you went in and saw Ms. 17 Sanders and had an oral conversation with her? 18 A. Correct. 19 Q. You told her you wanted full coverage? 20 A. Correct. 21 Q. I want to know 22 types of auto coverages? 22 A on our policy we carry 100/300 on our 23 auto policy. On the PIP end she led me to believe I was getting the same thing, which to me was full	1		' '	
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8 Sanders you wanted full coverage auto insurance. 9 A. Yes. 10 Q. What does that mean? 11 A. To me full coverage is if you are in an accident everything is taken care of. Your bills are 12 paid, whatever needs to be taken care of. To me that's 13 paid, whatever needs to be taken care of. To me that's 14 full coverage auto insurance. 15 That's what I wanted to purchase. That's 16 what I was led to believe I was purchasing, full 17 coverage, to cover all medical and that type of thing. 18 That is what I thought I was getting. 19 Q. What types of auto insurance did you request? 18 A. Correct. 19 Q. You testified that you went in and saw Ms. 17 Sanders and had an oral conversation with her? 18 A. Correct. 19 Q. You told her you wanted full coverage? 19 A. Correct. 20 Q. I want to know 21 Q. Do you understand there might be different 21 Q. That's the type you thought you were 22 was getting the same thing, which to me was full	1			
9 A. Yes. 10 Q. What does that mean? 11 A. To me full coverage is if you are in an 12 accident everything is taken care of. Your bills are 13 paid, whatever needs to be taken care of. To me that's 14 full coverage auto insurance. 15 That's what I wanted to purchase. That's 16 what I was led to believe I was purchasing, full 17 coverage, to cover all medical and that type of thing. 18 That is what I thought I was getting. 19 Q. What types of auto insurance did you request? 20 A. What do you mean? 21 Q. Do you understand there might be different 22 types of auto coverages? 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 29 What types of auto coverages? 20 A. Liability. We always carried full coverage. 20 C. What types of auto coverages? 21 Q. That's the type you thought you were 22 was getting the same thing, which to me was full	•		-	
Q. What does that mean? A. To me full coverage is if you are in an accident everything is taken care of. Your bills are paid, whatever needs to be taken care of. To me that's full coverage auto insurance. That's what I wanted to purchase. That's the type of auto coverage in the type of auto coverage. That is what I thought I was getting. Q. What types of coverage was. Maybe I'm not saying it right. Coverage, to cover all medical and that type of thing. That is what I thought I was getting. Q. What types of auto insurance did you request? A. Whatever full coverage was. Maybe I'm not saying it right. Coverage insurance. She told me it was full coverage insurance. A. Whatever full coverage was. Maybe I'm not saying it right. Coverage insurance. A. Whatever full coverage was. Maybe I'm not saying it right. A. Coverage insurance. A. Whatever full coverage was. Maybe I'm not saying it right. Coverage insurance. A. Whatever full coverage was. Maybe I'm not saying it right. A. Correct. Q. You testified that you went in and saw Ms. A. Correct. Q. You told her you wanted full coverage? A. Correct. Q. I want to know — A. — on our policy we carry 100/300 on our auto policy. On the PIP end she led me to believe I was getting the same thing, which to me was full			_	
11 A. To me full coverage is if you are in an 12 accident everything is taken care of. Your bills are 13 paid, whatever needs to be taken care of. To me that's 14 full coverage auto insurance. 15 That's what I wanted to purchase. That's 16 what I was led to believe I was purchasing, full 17 coverage, to cover all medical and that type of thing. 18 That is what I thought I was getting. 19 Q. What types of auto insurance did you request? 20 A. What do you mean? 21 Q. Do you understand there might be different 22 types of auto coverages? 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 25 was getting the same thing, which to me was full	4		_	\ \ \.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\
12 accident everything is taken care of. Your bills are 13 paid, whatever needs to be taken care of. To me that's 14 full coverage auto insurance. 15 That's what I wanted to purchase. That's 16 what I was led to believe I was purchasing, full 17 coverage, to cover all medical and that type of thing. 18 That is what I thought I was getting. 19 Q. What types of auto insurance did you request? 20 A. What do you mean? 21 Q. Do you understand there might be different 22 types of auto coverages? 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 25 Is insurance. 26 Q. What types of coverages did you ask for? 27 A. Whatever full coverage was. Maybe I'm not is saying it right. 28 Q. You testified that you went in and saw Ms. 29 A. Correct. 20 Q. You told her you wanted full coverage? 20 A. Correct. 21 Q. I want to know 22 types of auto coverages? 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 25 was getting the same thing, which to me was full				
13 paid, whatever needs to be taken care of. To me that's 14 full coverage auto insurance. 15 That's what I wanted to purchase. That's 16 what I was led to believe I was purchasing, full 17 coverage, to cover all medical and that type of thing. 18 That is what I thought I was getting. 19 Q. What types of auto insurance did you request? 20 A. What do you mean? 21 Q. Do you understand there might be different 22 types of auto coverages? 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 26 A. What do you mean? 27 A. Liability. We always carried full coverage. 28 Q. That's the type you thought you were 29 What types of coverages did you ask for? 4 A. Whatever full coverage was. Maybe I'm not 5 saying it right. 6 Q. You testified that you went in and saw Ms. 7 Sanders and had an oral conversation with her? 8 A. Correct. 9 Q. You told her you wanted full coverage? 9 A. Correct. 9 Q. I want to know 9 Q. That's the type you thought you were 9 A on our policy we carry 100/300 on our 9 A. Liability. We always carried full coverage. 9 Q. That's the type you thought you were				
14 full coverage auto insurance. 15 That's what I wanted to purchase. That's 16 what I was led to believe I was purchasing, full 17 coverage, to cover all medical and that type of thing. 18 That is what I thought I was getting. 19 Q. What types of auto insurance did you request? 20 A. What do you mean? 21 Q. Do you understand there might be different types of auto coverages? 22 A. Liability. We always carried full coverage. 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 14 A. Whatever full coverage was. Maybe I'm not is saying it right. 15 Sanders and had an oral conversation with her? 18 A. Correct. 19 Q. You told her you wanted full coverage? 20 A. Correct. 21 Q. I want to know 22 auto policy. On the PIP end she led me to believe I was getting the same thing, which to me was full				
That's what I wanted to purchase. That's what I was led to believe I was purchasing, full coverage, to cover all medical and that type of thing. That is what I thought I was getting. Q. What types of auto insurance did you request? A. What do you mean? Q. Do you understand there might be different types of auto coverages? A. Liability. We always carried full coverage. A. Correct. Q. I want to know - 22 A. — on our policy we carry 100/300 on our 23 A. Liability. We always carried full coverage. Q. That's the type you thought you were 15 saying it right. Q. You testified that you went in and saw Ms. 16 Q. You testified that you went in and saw Ms. 17 Sanders and had an oral conversation with her? A. Correct. Q. You told her you wanted full coverage? A. — on our policy we carry 100/300 on our 23 auto policy. On the PIP end she led me to believe I 24 was getting the same thing, which to me was full				
16 what I was led to believe I was purchasing, full 17 coverage, to cover all medical and that type of thing. 18 That is what I thought I was getting. 19 Q. What types of auto insurance did you request? 20 A. What do you mean? 21 Q. Do you understand there might be different 22 types of auto coverages? 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 26 Q. You testified that you went in and saw Ms. 27 Sanders and had an oral conversation with her? 28 A. Correct. 29 Q. You told her you wanted full coverage? 20 A. Correct. 21 Q. I want to know 22 A on our policy we carry 100/300 on our 23 auto policy. On the PIP end she led me to believe I 24 was getting the same thing, which to me was full		-		
17 coverage, to cover all medical and that type of thing. 18 That is what I thought I was getting. 19 Q. What types of auto insurance did you request? 20 A. What do you mean? 21 Q. Do you understand there might be different types of auto coverages? 22 types of auto coverages? 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 25 Sanders and had an oral conversation with her? 26 A. Correct. 27 Q. You told her you wanted full coverage? 28 A. Correct. 29 Q. I want to know				
18 That is what I thought I was getting. 19 Q. What types of auto insurance did you request? 20 A. What do you mean? 21 Q. Do you understand there might be different 22 types of auto coverages? 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 28 A. Correct. 29 Q. You told her you wanted full coverage? 20 A. Correct. 21 Q. I want to know 22 A. — on our policy we carry 100/300 on our 23 auto policy. On the PIP end she led me to believe I 24 was getting the same thing, which to me was full				
Q. What types of auto insurance did you request? A. What do you mean? Q. Do you understand there might be different types of auto coverages? A. Liability. We always carried full coverage. Q. That's the type you thought you were Q. What types of auto insurance did you request? Q. You told her you wanted full coverage? A. Correct. Q. I want to know 22 A on our policy we carry 100/300 on our 23 auto policy. On the PIP end she led me to believe I 24 was getting the same thing, which to me was full				
20 A. What do you mean? 21 Q. Do you understand there might be different 22 types of auto coverages? 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 20 A. Correct. 21 Q. I want to know 22 A on our policy we carry 100/300 on our 23 auto policy. On the PIP end she led me to believe I 24 was getting the same thing, which to me was full	1			
21 Q. Do you understand there might be different 22 types of auto coverages? 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 21 Q. I want to know 22 A on our policy we carry 100/300 on our 23 auto policy. On the PIP end she led me to believe I 24 was getting the same thing, which to me was full				,
22 types of auto coverages? 23 A. Liability. We always carried full coverage. 24 Q. That's the type you thought you were 25 A on our policy we carry 100/300 on our 26 auto policy. On the PIP end she led me to believe I 27 avas getting the same thing, which to me was full				
A. Liability. We always carried full coverage. Q. That's the type you thought you were 23 auto policy. On the PIP end she led me to believe I 24 was getting the same thing, which to me was full				
Q. That's the type you thought you were 24 was getting the same thing, which to me was full				

6 (Pages 21 to 24)

	April	, ,	
	Page 25		Page 27
1	I'm carrying 100/300. I'm assuming I'm	1	record.)
2	getting 100/300 on PIP because she's telling me I got	2	BY MR. MARINO:
3	full coverage. The other stuff to me up top is full	3	Q. Before you purchased the insurance policy
4	coverage.	4	that we have been talking about at issue in this case
5	Q. The other stuff up top?	5	you had auto insurance with another company, didn't
6	A. Comprehensive, that other part in the auto	6	you?
7	insurance. What I carry is 100/300.	7	A. Yes.
8		8	Q. Who is that with?
•	Q. You are talking about the policy at issue in	ļŝ	•
[9	this case; correct?	1 -	A. I can't think of the guy's name.
10	· · · · · · · · · · · · · · · · · · ·	10	Q. Why is it that you went to get insurance from
111	because she told me I had full coverage. On my		Culver Agency?
12	paperwork it says full coverage.	12	A. With the other company we had homeowner's.
13	Q. What paperwork?		We had a mobile home. That company no longer was going
14	 Documents that we have gotten. 	14	to offer mobile home insurance. Nationwide offered
15	Q. What documents?	15	insurance that we needed to carry on our home.
16	A. From Nationwide.	16	Q. You switched your auto too?
17	Q. What documents did you get from Nationwide	17	
18		18	Q. You switched it all over?
19	· · · · · · · · · · · · · · · · · · ·	19	•
20		20	
21	,		the same coverage you had with the prior company?
22		22	A. On what?
23			
	MR. EDWARDS: Objection to form.	23	Q. Auto?
24		24	A. I told her I wanted full coverage.
25	unless you tell the person what you are	25	Q. Did you have full coverage before?
!	Page 26	}	Page 28
1	looking for. That's what I told her I was	1	A. I don't recall.
2	looking for.	2	Q. You don't recall what coverage you had with
3	BY MR. MARINO:	3	the other company?
4	Q. What does Ms. Sanders look like?	4	A. No. I assume I had full, but I don't know.
) 5	A. I don't remember. It's a long time ago.	5	Q. Do you know what PIP is?
6	Dirty blonde hair, I believe. Met her in Seaford.	6	A. Yes.
7	Q. Where?	7	Q. What is it?
8	A. At their office.	8	A. Personal injury protection.
(9	Q. Where is that office?	9	
10			
11	· · · · · · · · ·	10	A. I don't think so.
12		11	MR. MARINO: Mark this as T.
	Q. Is there anybody else there during this	12	Eames-2.
	meeting?	13	(Whereupon, Exhibit T. Eames-2 was
14		14	so marked for identification by the court
	think Keith was back at his desk. Her desk was in the	15	reporter, being Statement.)
	front.	16	BY MR. MARINO:
17	Q. You were talking to her?	17	Q. Do you recognize this?
18	A. Yes.	18	A. Yes.
19	Q. Did you take any notes of that conversation?	19	Q. Is that your signature?
20	A. No.	20	A. Yes.
21	Q. You don't have any notes of that	21	Q. Signed 3/14/94?
22	conversation, do you?	22	A. Yes.
23	A. No.	23	
24	MR. MARINO: Let's take a short break.		Q. Did you read it before you signed it?
25		24	A. I looked over it, yes.
رع	(A discussion was held off the	25	O. It looks like Ms. Sander's signature is also

7 (Pages 25 to 28)

			
Į.	Page 29	İ	Page 31
1	there?	1	fault, is it?
2	A. Yes.	2	A. Over here?
3	Q. Did you sign this document when you had this	3	Q. It doesn't say 100/300 there. It says 15/30
4	meeting that you testified to earlier with Ms. Sanders?	4	there?
5	A. Yes, I believe so.	5	A. Right.
6	Q. Did you ask Ms. Sanders any questions about	6	Q. You read that?
7	this document?	7	A. It is confusing.
8	A. I asked if this is giving me full coverage,	8	Q. Is it your testimony that you were confused
9	yes. Minimum limit, check. Then it's got 15 and 30.	9	at that time or confused now?
	I thought it was minimum plus another 15 and 30. I	10	
	believe I was getting full coverage.		limits as shown in C with arrows, she wrote 15 and 30
12	Q. You were getting minimum limits plus an		If it is just minimum I'm assuming she would check ju
	additional 15 and 30?		minimum. With 15/30, I thought I was getting more
14	A. I thought that was bringing me up to full coverage.	15	coverage than what I had. Q. You thought you were getting 15/30 in
16	Q. That was your understanding what full		addition to what you had?
17	coverage was?	17	MR. EDWARDS: He already answered
18	A. I questioned her on it and that's what she	18	that question. Asked and answered.
ı	told me it was.		BY MR. MARINO:
20	Q. Specifically what did she tell you?	20	·
21	A. If this was supplying me full coverage on my	21	A. The lady led me to believe what I said I
22	automobile. She said it was full coverage.	22	wanted was full coverage, that I was getting the full
23	Q. Do you recall talking about deductibles?	23	amount of PIP. Any medical, anything of that nature,
24	A. No. If I knew this was only not giving me	,	that I was covered.
. 🦫	full coverage that I thought it was I never would of	25	If I knew that I was only going to get
]	Page 30 I		Page 32
ı	gotten it.	1	15/30 I would not take that coverage. Why would I wan
2	Q. You thought it was minimum limits plus an		to insure someone else up to 100/300 and not myself?
3	additional \$15,000 or \$30,000 per person?	3	To me that doesn't make no sense.
4	A. She had over here, this was giving me full	4	Q. Your testimony is that you did review this
<u> 5</u>	coverage. That's what I was led to believe, yes. What	5	
6	I thought I was getting.	6	A. Like anybody else. I looked at it and signed
[7	Q. You thought this full coverage that you	7	it. I didn't pay much attention to it. I assumed she
	· · · · · · · · · · · · · · · · · · ·		told me I was getting full PIP, that I was getting full
9	A. I assume it took me to whatever it was to get		coverage, not minimum coverage.
11	to this point here, 100/300.	10	She told me I was getting full PIP. I
	Q. You assumed that was getting you to the point of 100/300 under section six of this document?	11	thought I was getting full coverage. Medical, all of
113	A. I thought this was giving me the same	13	that stuff was taken care of. Q. You thought whatever medical, whatever you
14	coverage.		had everything would be taken care of?
15	Q. What are you talking about?	15	A. That's what she led me to believe. I asked
16	A. I wanted full coverage. I'm looking for		her about it two or three times. She said full
3	this.		coverage.
18	Q. This being?	18	Q. You don't recall specifically what words were
19	A. 100/300.		said, do you?
_] 20	Q. Section six under underinsured vehicle	20	A. When I asked if I had full coverage she told
	coverage?		me yes. That's specific enough. I have to rely on her
12	A. Same as up here. 100/300. That's what I was	22	as the agent to sell me what I'm looking for.
		23	Q. That was an oral communication; correct?
		24	A. Yes.
25	O. That 100/300 isn't in section three under no	<u>25</u>	O. It was just you and her there?

8 (Pages 29 to 32)

5 stuting there. I think it was just her and I. I can't formember if Keith had another client or whatever. I 7 don't remember. Q. This was obviously before you purchased the policy; correct? 10 A. Right. Q. You ultimately did purchase the policy? 11 A. Because I was told I was getting what I went 13 there to get. I was told I was -yes, I did purchase 14 the policy. 12 A. Because I was told I was -yes, I did purchase 15 there to get. I was told I was -yes, I did purchase 16 the policy. 13 Lelieve so. I'm sure I did. 14 Q. Did you read it when you got it in the mail? 15 A. No. 16 Q. In 1994? 17 A. I believe so. I'm sure, yes. MR. MARINO: Mark this as T. 18 Eames-3. 19 (Whereupon, Exhbit T, Eames-3 was so marked for identification by the court reporter, being Amended Complaint.) 19 Page 34 11 Eames-3. 22 (Whereupon, Exhbit T, Eames-3 was so marked for identification by the court reporter, being Amended Complaint.) 19 Page 34 11 Earnes-1. 24 (A. Ir m sure, yes. Q. Do you know what a complaint is in a lawsuit? A. A complaint against Nationwide. 19 Q. Do you know what a complaint you about the film of Q. Did anybody ever confer with you about the 17 filing of this amended class action complaint? 25 A. I didn't know about the first one being 12 dismissed. 26 Q. You didn't know about the first one being 12 dismissed. 27 Q. You didn't know about the filting of the 3 second one either, did you? 28 second one either, did you? 29 A. between this document and it showed to Linda to Linda to Linda to Linda 2 second one either, did you? 29 A. Law this document and it showed to Linda 2 you don't recall when in 1994 you may have 2 seen this document cornect? 30 Q. You don't recall when in 1994 you may have 2 seen this document in the mail? 41 A. Okay. 42 A. Pris sure I did. 43 A. Okay. 44 A. Pris sure, you get it in the mail? 45 Q. Do you know when you got it in the mail? 46 A. Yes. 47 Q. When did you see this? 48 A. I believe it was sometime in 1994; is that 3 correct? 49 Q. You believe it was sometime in 1994; is that 3 corre	<u> </u>	Page 33		Page 35
2 (Q. Do you recall specifically whether anybody 3 else was there? 4 A. Keith was at his desk. Her and I just 5 sitting there. I think it was just her and I. I can't 6 remember if Keith had another client or whatever. I 7 don't remember. 8 Q. This was obviously before you purchased the 9 policy; correct? 10 A. Right. 11 Q. You ultimately did purchase the policy? 12 A. Because I was told I was getting what I went 13 there to get. I was told I was getting what I went 14 the policy. 15 Q. You got a copy in the mail; did you not? 16 A. I believe so. I'm sure I did. 17 Q. Did you read it when you got it in the mail? 18 A. I'm sure I did. 19 Q. Do you know when you got it in the mail? 19 A. No. 20 Q. Sometime in — A. I don't recall every specific piece of paper 4 A. I'm sure I did. 19 Q. Do you know when you got it in the mail? 20 A. No. 21 Q. Sometime in — A. I don't recall every specific dates. 22 Q. In 1994? 23 A. I'm sure I did. 24 Q. I'm sure, yes. 25 MR. MARINO: Mark this as T. Page 34 1 Eames-3. 2 (Whereupon, Exhibit T, Eames-3 was so marked for identification by the court reporter, being Arnended Complaint.) 2 RY MR. MARINO: Q. This is the amended class action complaint. 3 A. No. 4 Q. No one ever told you that? 4 A. No. 5 Q. Do you know what a complaint is in a lawsuit? 6 A. No. 6 Q. Did anybody ever confer with you about the filing of this amended class action complaint? A. No. C. Q. You don't recall every specific piece of paper 3 A. I don't believe so. I don't recall when received. 4 (A. Yes. 10 Q. From Mr. Bunning? 11 A. Yes. 12 Q. When did you see it? 13 A. Okay. 15 Q. Have you ever seen this before? 16 A. I don't believe is of the did you see it? 17 Q. When did you see it? 18 A. I believe back in 1994. It showed I had full protection of my personal injury protection. 20 Q. You believe it was sometime in 1994; is that correct? 21 A. I swa this document and it showed the full which is why I think I have full coverage. 22 Q. You don't recall when in 1994 you may have seen this document and it showed the	1	A. I believe just me and her.	1	O. You never reviewed any of those papers before
3 clse was there? 4 A. Keith was at his desk. Her and I just 5 sitting there. I think it was just her and I. I can't 6 remember if Keith had another client or whatever. I 7 don't remember. 8 Q. This was obviously before you purchased the 9 policy; correct? 10 A. Right. 11 Q. You ultimately did purchase the policy? 12 A. Because I was told I was getting what I went 13 there to get. I was told I was - yes, I did purchase 14 the policy. 15 Q. You got a copy in the mail; did you not? 16 A. Did you read it when you got it in the mail? 17 Q. Did you read it when you got it in the mail? 18 A. Fin sure I did. 19 Q. Do you know when you got it in the mail? 20 A. No. 21 Q. Sometime in - A I don't remember specific dates. 22 Q. In 1994? 23 A. T don't believe so. I don't recall every specific piece of paper 24 A. Fin sure I did. 25 Q. From Mr. Bunning? 26 A. J delieve so. I'm sure I did. 26 Q. Do you know when you got it in the mail? 27 A. No. 28 Q. In 1994? 29 A. Fan sure, yes. 29 Q. In 1994? 20 A. T don't remember specific dates. 20 Q. In 1994? 21 A. Sometime in - A I don't recall. I know 4 that we did receive some paperwork. We got so m 5 stuff that I don't recall every specific piece of paper 6 that we received. 7 Q. You get paperwork regarding your other 8 lawsuit too, don't you? 9 A. Yes. 12 Q. From Mr. Bunning? 11 A. Yes. 12 Q. Have you ever seen this before? 13 A. I don't believe so. I don't believe so. 14 Q. No. 20 Do you know what you got it in the mail? 15 A. No. 16 Q. In 1994? 17 Q. When did you see it? 18 A. I don't believe so. 19 Q. When in 1994 did your ammended Class action complaint. 19 protection of my personal injury protection. 20 Q. When in 1994 did you see this? 21 A. Sometime after I went to Culver's for the 22 policy. 21 A. Sometime after I went to Culver's for the 22 policy. 22 A. I don't believe so. 23 Q. A fler you went to Culver, is that your 24 testimony? 24 Estimony? 25 A. I believe it was sometime in 1994; is that correct? 26 Q. You believe it was sometime in 1994; is that correct? 27 Q	•		2	
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A. I knew they were filing papers, but I don't 24 about my full coverage on the auto insurance.				
25 know other than that, I don't know. 25 Q. After that time?				

9 (Pages 33 to 36)

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	Page 37		Page 39
1	A. I believe so, yes.	1	A. Correct.
2	Q. Do you know how you got it?	2	MR. EDWARDS: Objection to form.
3	A. I think in the mail. I don't really recall	3	THE WITNESS: This was bought after
1	how I got it. I know that I've seen this before.	4	the auto accident.
	Every one I received after that got that on there.	5	BY MR. MARINO:
6	Q. You didn't receive this when you met	6	Q. After you had your meeting with Ms. Sanders
7	personally with Ms. Sanders, the testimony about your	1 -	that you testified to earlier, between that time, when
Ŕ	personal meeting with Ms. Sanders, you didn't receive		the meeting ended and you got the copy of the policy
9	this document then, did you?	9	the mail, did you receive any other documents relating
10	A. I don't specifically recall what I left that	10	to your insurance policy at issue in this case?
11	office with as far as paperwork.	11	A. I couldn't tell you.
12	Q. Did you walk out of there with anything?	12	Q. Have you talked to anybody else about this
13	A. I don't recall what I went out with.	13	case other than what you already testified to?
14	Q. You don't recall whether you left with	14	A. No.
	anything; correct?	15	MR. MARINO: Let's take a short
16	A. No, I don't recall whether I left with	16	break.
17		17	(A discussion was held off the
18	Q. You don't recall whether you saw any other	18	record.)
19	documents during that meeting, form A, exhibit 2 that	19	MR. MARINO: I have no further
	we've already talked about?	20	questions.
21	A. I don't recall her showing me any other	21	EXAMINATION
22	paperwork. I just don't remember.	22	BY MR. EDWARDS:
23	Q. Flip to exhibit B. You are looking at	23	Q. You had testified before that you had a
24	exhibit B to the amended complaint attached as exhibit	24	conversation with Linda from Culver with regard to the
25	three to your deposition.	25	sale of the policy in this litigation?
	Page 38		Pag e 40
1	Have you ever seen this document before?	1	A. Yes.
2	A. I saw it in the paperwork that I looked at	2	Q. In that conversation you had with Linda, she
3	yesterday.	3	represented to you that you were getting full PIP
4	Q. Before yesterday have you ever seen this	4	coverage?
5	document before?	5	A. Yes.
6	A. I don't recall seeing any documents with all	6	Q. That was in connection with the sale of the
7	of this stuff written on the bottom of it.	7	policy in this litigation?
8	Q. Do you recall seeing this?	8	MR. MARINO: Objection to form.
	A. I don't recall seeing documents with this	9	THE WITNESS: Yes.
	handwritten stuff on the bottom.		BY MR. EDWARDS:
11	Q. Flip over to exhibit C. I'm asking you to	11	Q. Turn to T. Eames-3, exhibit A. You had seen
	look at exhibit C to the amended complaint attached as		this before?
13	exhibit three to your deposition.	13	A. Yes.
114	A. (Witness complies).	14	Q. When you saw this before the word full was
ا يَدُا ا	Q. Have you seen this document before?		used on the line entry next to personal injury
16	A. Yes,		protection coverage?
17	Q. When did you see it?	17	A. Yes.
18	A. I saw it yesterday.	18	Q. Is that in connection with the sale of
	Q. Other than yesterday have you ever seen this		the policy at issue in the litigation?
20	document before?	20	A. Yes.
21	A. I'm sure I probably have.	21	MR. MARINO: Objection to the form.
22	Q. You don't recall specifically, do you?		BY MR. EDWARDS:
24	A. Not specifically, no.	23	Q. You were asked questions about this document
	Q. You didn't see this. You know you didn't see this document before June 17, 2003; is that correct?		which is marked as T. Earnes-2. You were asked
4.	una document perote fune 17, 2005; is that confect?	43	questions about this?

10 (Pages 37 to 40)

THOMAS EAMES April 7, 2006

Page 41 1 A. Yes. 2 Q. You signed this document? 3 A. Yes. 4 Q. Am I correct this is saying that based on 5 prior testimony you testified that you signed this in 6 connection with the sale of the policy at issue in this 7 litigation? 8 A. Yes. 9 Q. When you saw this document back when dealing 10 with Linda you believe you were getting full PIP 11 coverage after you signed that? 12 A. Yes. 13 Q. Full PIP coverage was 100/300, you believe? 14 MR. MARINO: Objection to form. 15 THE WITNESS: Yes. 16 MR. EDWARDS: No further questions. 17 RE-EXAMINATION 18 BY MR. MARINO: 19 Q. The conversation that you testified earlier 20 with Ms. Sanders and Mr. Edwards asked you about, that 21 was an oral conversation that you testified earlier 22 A. Yes. 2 Q. You didn't keep notes? 23 A. No. 24 A. No. 25 Page 42 A. I don't know. Probably a half hour or so. 2 Trying to do the policy, I guess. I don't recall a 3 timeframe. It took a little time to do the paperwork. Q. You don't recall the specific words that were 5 used.
Q. You signed this document? A. Yes. Q. Am I correct this is saying that based on 5 prior testimony you testified that you signed this in 6 connection with the sale of the policy at issue in this 7 litigation? A. Yes. Q. When you saw this document back when dealing 10 with Linda you believe you were getting full PIP 11 coverage after you signed that? A. Yes. Q. Full PIP coverage was 100/300, you believe? A. Yes. Q. Full PIP coverage was 100/300, you believe? A. MR. MARINO: Objection to form. THE WITNESS: Yes. MR. EDWARDS: No further questions. THE WITNESS: Yes. MR. EDWARDS: No further questions. RE-EXAMINATION BY MR MARINO: P. Q. The conversation that you testified earlier 20 with Ms. Sanders and Mr. Edwards asked you about, that 21 was an oral conversation? A. Yes. Q. You didn't keep notes? A. No. Q. How long did that conversation last? Page 42 A. I don't know. Probably a half hour or so. Trying to do the policy, I guess. I don't recall a timeframe. It took a little time to do the paperwork. Q. You don't recall the specific words that were 5 used.
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3 timeframe. It took a little time to do the paperwork. 4 Q. You don't recall the specific words that were 5 used.
4 Q. You don't recall the specific words that were 5 used.
5 used.
6 Do you specifically recall the words that
he used?
A. Not word for word, no.
9 Q. Mr. Edwards also asked you about exhibit A to
[10 T. Earnes-3.
You testified earlier that you didn't
12 recall specifically when you saw this document;
13 correct?
14 A. Not a specific date. I know I saw the
15 document. Can I say it was three weeks after I talked
Linda? No, I can't say that. Q. It was after you talked to Linda?
118 A. I believe so, yes. MR. MARINO: Nothing further. I
20 reserve the right to depose this witness in
21 the merit phase, should we get there.
22 MR. EDWARDS: Nothing further.
23 (Whereupon, the deposition was
24 concluded at 3:12 p.m.)
25

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Yvone 2:10	3		[}
Yvonne 4:21	3/14/94 28:21	(}	
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04-CV-1324-KAJ	 '	1	Į	
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	41 3:5			
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Page 1	Page 2
Page 1	Page 3
IN AND FOR THE DISTRICT OF DELAWARE	1 INDEX 2
• • •	3 WITNESS: PAGE
THOMAS A. EAMES, ROBERTA L. : CIVIL ACTION EAMES and TAMMY EAMES, on	4 ROBERTA EAMES
behalf of themselves and all : Others similarly situated	5 BY: MR. MARINO 4, 45, 47 6 BY: MR. EDWARDS 43, 46
-vs-	7
: NO. 04-CV-1324-KAJ MATIONWIDE MUTUAL, INSURANCS COMPANY:	8 *** 9
COMPANY	10 EXHIBITS
• • • •	11 NUMBER DESCRIPTION PAGE
Oral deposition of ROBERTA EAMES, held in the law offices of Swartz Campbell, LLC, 300	12 R. Eames-1 Response to Interrogatories 20 13 R. Eames-2 Amended Complaint 30
Delaware Avenue, Suite 1130, Wilmington, Delaware, on Thursday, April 27, 2006, beginning at approximately	14
11:15 A.M., before Audree E. Burg, Certified Court Reporter and Notary Public in and for the Commonwealth	15
of Pennsylvania.	16 17
• • • •	18
KARASCH & ASSOCIATES	19
REGISTERED PROFESSIONAL REPORTERS PENNSYLVANIA and DELAWARE	20 21
(800) 621-5689	22
	23
	24 25
Page 2	Page 4
TARANCES:	1 (It is hereby stipulated and agreed
MURPHY, SPODARO & LANDON BY: PHILIP EDWARDS, ESQUIRE	2 by and between counsel for the respective
3 1011 Centre Road - Suite 210 Wilmington, DE 19805	3 parties that signing, sealing, 4 certification, and filing are waived; and
1 4	5 that all objections, except as to the form
Representing the Plaintiffs	6 of the question, are reserved until the time
FOWLER, WHITE, BOGGS, BANKER 6 BY: JOHN P. MARINO, ESQUIRE	7 of trial.) 8 ROBERTA EAMES, after having
50 North Laura Street - Suite 2200	9 been first duly sworn, was examined and
7 Jacksonville, FL 32202 8 — Representing the Defendant	10 testified as follows:
9 ALSO PRESENT: Curtis Cheyney, Esquire	11 EXAMINATION 12 BY MR. MARINO:
10 Yvone Chambers, Esquire	13 Q. Good morning. We met before. I'm John
	14 Marino. I represent Nationwide Mutual Insurance
10/14	15 company in this case. Next to me is Curtis Cheyney.16 He also represents Nationwide.
15	17 When I say Nationwide, I'm referring to
116	18 Nationwide Mutual Insurance Company. Do you understand 19 that?
18	20 A. Yes.
20	21 Q. At the end of the table is Yvonne Chambers
21 22	22 and she is with the general counsel's office of
23 24	23 Nationwide. 24 Some ground rules. In you don't hear or
25	25 understand a question I ask, ask me to rephrase it.

1 (Pages 1 to 4)

		April 2			
		Page 5			Page 7
1	A.	Okay.	1		655 East Dupont Highway.
2		If you answer I'm going to assume you	2	Q.	Where is that?
3	unders	tood it.	3		Millsboro, Delaware.
4	A.	Okay.	4		What do you do as an administrative assistant
5	Q.	One person talks at a time. If we talk over	5		rvice coordinator?
6	each of	ther it will be hard for the court reporter to	6		Schedule service for the technician. And I
7		rything down.	7		a entry in the computer and pay bills.
8		Okay.	8		Is Oakwood Homes a builder?
9	_	If you need a break, let me know.	9		Manufactured homes.
10		Okay.	10		How long have you worked there?
11		Are you presently under any medication that	11		A year and a half.
12		affect your ability to testify today?	12		How big a company is Oakwood Homes?
13		No.	13		Large.
14		Is there anything else that could affect your	14		Do you work with a lot of people?
15		to testify today?	15		There are six of us there.
16 17		No.	16 17		Who do you report to?
18		What is your full name? Roberta Lee Eames.	18		The manager, office manager. Are you the administrative assistant for the
19		Are you also known as Bobby Eames?	19		manager?
20		Yes.	20		Yes.
21	-	Have you ever been known by any other name			Who is the office manager?
22		My maiden name, Fluharty.	22		Gill Flemming.
23		How long have you been married?	23		You have been working there for about a year
24	Ă.	The state of the s		and a	
25		You are married to Mr. Eames, who is also a	25		Yes
		Page 6			Page 8
1	plainti	ff in this case?	1	Q.	Did you work before that?
! 2	Ā.	Yes.	2	Ã.	No. It had been a while.
13	Q.	Where do you live?	3	Q.	How long had it been?
4	Α.		4	A.	2001.
1 4		What is your address?	5		You left a job in 2001, didn't work for a
j 6		14908 Concord Road.	6		and then went to work for Oakwood Homes?
7		How long have you lived there?	7		Correct.
8		Four years.	8		What was your job in 2001?
9	Q.	Before that?	9		The front office for doctors.
10	A, Darah	Rehobath. 14 Spinning Wheel Lane, Rehobath		Q.	What doctor?
ill	Beach.		11	Α.	Dr. Ready.
i i ż		How long did you live there? 25 years.	12	Q. mean?	When you say front office, what does that
13		Has Tammy lived with you since she was born			
15	Q. A.	Yes.	15		Receptionist. Where is Dr. Ready's office?
174	Q.	She still lives there now?	16		Lewes, Delaware.
		Yes.	17	Q.	Do you know the address?
18	Q.	Did she live with you in the prior place?	18	Q. Α.	
110		Yes.	19		What did you do as a receptionist there?
. 20		Are you currently employed?	20		Answer the phones, greeted the patients,
21		Yes.	21		them in, out.
22		What do you do?	22		How long were you in that job?
الخشأ	À.	Administrative assistant and service	23	Ã.	About a year.
24	coordi	nator for Oakwood Homes.	24		Before that?
125		What is your business address?	2,5	À.	A manager at a pet store.

2 (Pages 5 to 8)

4 1 1 1 **1 1**

ROBERTA EAMES April 27, 2006

		Page 9	Γ_	<u></u>	Page 11
1	O.	What pet store was that?	l	O. Have	you ever had your deposition taken
2		House Pets.	2	before?	,
3		Did Tammy work there?	3	A. Yes.	
4	-	Yes.	4	Q. How	many times?
5	Q.	Any jobs before that?	5	A. One.	·
6		Yes. Retail management.	6	Q. In M	arch of this year?
7	Q.		7		ık it was February.
8		Manager of a card shop. It was Movie King	8		r than the deposition you gave in
9	and Po	pular Greetings. I was with that company for s			
10	years.		10	proceeding b	pefore?
11		You have had a variety of different types of	11	A. No.	
		ver the years?	12		y and February?
13		Yes.	13	A. Yes.	
14		Did you graduate from high school?	14		you ever testified in any arbitration?
15		A GED.	15	A. No.	
16		General Education Diploma?	16		you ever testified at a trial?
17		Yes.	17	A. No.	
18		When did you get your GED?	18		n you gave your deposition in February w
19		1989.			ion with a pending lawsuit?
20		Do you get a GED from a particular school or	20	A. Yes.	4.0
21		, or how does it work?	21	•	case was that?
22		I went to Deltech and took an adult education	22	A. Our a	
	test.	46 4 . 12	23	•	accident? What accident?
24		After that did you attend college?	24		automobile accident we had in 2003.
25	A.	No	25	Q. That	s the accident that you and your
)		Page 10			Page 12
1		Did you ever attend junior college?	1		nmy and your husband were involved in?
2		No.	2	A. Yes.	
j		Did you have any other education after	3	-	was that in 2003?
4		ng your GED in 1989?	4	A. Febru	
5		Just where I took some computer classes.	5		awsuit involves the accident that you
6		What type of computer classes did you take?			d in February of 2003?
1.7		Just Word Perfect. General courses to learn	7	A. Yes.	1.1.000
in	the cor	•	8		ou a plaintiff in that lawsuit?
$\frac{9}{10}$		Was that in connection with one of your jobs?	9	A. Yes.	
110		No.	10		ere any other plaintiffs in that
	y.	You just took a general computer course e you wanted to learn how to use a computer?	12	lawsuit?	and Tammu
		Yes.			and Tammy.
14		Who did you take it from?	13	daughter?	being your husband and Tammy being you
15	Q. A.		15	A. Yes.	
16		Did you get any certification?	16		s the defendant in that lawsuit?
. 17		Certificates.	17		s the defendant in that lawsuit? s it would be the estate for Mr.
18		That you completed satisfactorily?		Satchell.	s it would be the estate for MH.
19		Yes.	19	Q. Is he o	leceased?
20		When did you do that training?	20	A. Yes.	
21		Maybe 1990.	21		u know whether that is the defendant or
22		Soon after you got your GED?	22		ning that is the defendant?
23		Yes.	23	A. Mr. Sa	
24		Any other training or courses?	24		state of Mr. Satchell?
25	Ă		25		Suming.
			<u> </u>	1 1111 43 3	<u> </u>

3 (Pages 9 to 12)

_			
1	Page 13		Page 15
1	Q. Are you represented by an attorney in that	A. Yes.	_
2	case?	Q. Wher	
] 3	A. Yes.	A. Georg	
4	Q. Who is that?	Q. Wher	
5	A. Clayton Bunning.	.	on Bunning's office. Tammy and your husband also there?
6 7	Q. Do you know what court that case is pending in?	Q. Were A. Yes.	Tanking and your nessente also mere:
) ₈	A. No.		anybody else there?
9	Q. What is the status of that case?	A. No.	,
10	A. I don't know.		to yesterday had you ever met Mr.
11	Q. We know that you are a party to the other	Spadaro?	į
12	case involving the accident that you just testified to,	A. No.	
13	and obviously a party to this case.		ou ever talked to Mr. Spadaro prior to
14	Have you ever been involved in any other	yesterday?	
	litigation?	A. Yes.	did not fine to the One down?
116	A. No.		did you first talk to Mr. Spadaro? ss a couple months ago.
18	Q. You have never been a plaintiff in any other case?	Q. From	
19	A. No.	A. Yes.	town,
20	Q. You have never been sued by anybody?		ou know specifically when it was?
21	A. No.	A. No.	· · · · · · · · · · · · · · · · · · ·
22	Q. Did you prepare for your deposition today?		was the first time you talked to Mr.
23	A. I guess.	Spadaro?	· ·
24	Q. Do you know whether you prepared?		talked to him months before that. I
25	A. Yes.	don't know d	ates.
	Page 14		Page 16
1	Q. Yes, being you know?	Q. Any ser	nse of how many occasions you may have
12	A. Yes.	talked to him?	
1.	Q. Is it your testimony you did prepare for your	A. Twice.	
1 4	deposition today?	Q. Twice?	,
, ,	A. Yes. Q. How did you prepare for your deposition	A. Uh-huh Q. By tele	
17	today?	A. By pho	
3 [MR. EDWARDS: This is the privilege		i just meet Mr. Edwards this morning?
1 1	thing, Don't talk about the discussions you	A. Yes.	
10	had.	Q. You ne	ver talked with Mr. Edwards before
11	You can talk about where you met,	today?	<u> </u>
12	who you met with. No discussions.	A. No.	
:	MR. MARINO:		nan your past conversations with Mr.
115	Q. Don't tell me any discussions you had with		eeting Mr. Edwards today have you
15 16	your attorneys.		with any other attorneys from the office
	You testified you did prepare for your deposition?	or Murphy, Sp. A. No.	adaro and Landon?
18	A. Yes.		et yesterday with Mr. Spadaro. It was
	Q. How did you prepare?		wo, your daughter Tammy and your husband
20	A. I talked to the attorney.		lybody else there?
21	Q. What attorney?		DWARDS: Objection, Asked and
22	A. John Spadaro.	answered.	<u>.</u>
23	Q. When did you talk to him?	THE W	ITNESS: Clayton.
174	A. Yesterday,	BY MR. MAR	
<u> 25</u>	O. Did you meet with him personally yesterday?	Q. Who is	Clayton?

4 (Pages 13 to 16)

[Page 17	_	Page 19
1	A. Clayton Bunning.	l	A. Yes.
2	Q. He was there?	2	Q. What is that?
] 3	A. Yes.	3	A. Where someone represents for everyone that's
14	Q. Anybody else?	4	involved in a similar situation and you got the
5	A. No.	5	plaintiff that's going to represent everybody that's
16	Q. How long did you meet yesterday?	6	
7	A. I really didn't pay attention to the time.	7	Q. You want to be a class representative in this
8	Q. Can you ballpark it?	8	case; is that correct?
9	A. Maybe an hour or so.	9	A. Yes.
10		10	Q. Have you ever sought to be a class
11	A. Together.	[11]	- · · · · · · · · · · · · · · · · · · ·
12	Q. Did you review any documents yesterday?	12	
13	A. Yes.	13	Q. What are your duties as a class
14	Q. What documents did you review?] 14	representative?
15		15	A. We want to represent the group or however
16	documents.	16	many people have been treated the way we have been
17		17	
18		18	as we were.
19		19	Q. You feel you were misled?
20	Q. You reviewed two documents; is that correct?	20	A. Yes.
21	A. Yes.	21	Q. Is that your understanding of the duties of a
22	Q. Did you do anything else to prepare for your		class representative?
23		23	
24		24	
25	Q. Are you represented by a lawyer in this case?	25	A. No.
}	Page 18		Page 20
1	A. John Spadaro.	1	Q. You never heard of that term before?
, 2	Q. The answer is yes?	2	A. No.
3	A. Yes.	3	MR. MARINO: Mark this as R.
4	Q. Are you represented by any other lawyers in	4	Earnes-1.
5	this case?	5	(Whereupon, Exhibit R. Eames-1 was
0	A. No.	6	so marked for identification by the court
7	Q. Other than lawyers that are with Mr.	7	reporter, being Responses to
8	Spadaro's law firm?	8	Interrogatories.)
1 9	A. Correct.	9	BY MR, MARINO;
10	Q. Who did you contact the attorneys about	10	Q. I put before you R. Eames-1. Eames
	bringing this case?	11	plaintiffs responses to Nationwide first set of class
12	A. For Nationwide?		interrogatories to Roberta an Eames.
13	Q. Your own attorneys, did you contact them	13	Are these your responses to Nationwide's
14			interrogatories?
16	A. Yes. Q. When did that occur?	15	A. Yes.
17	A. Maybe June of 2003.	16	Q. Have you seen this document before?
11	Q. Who did you contact?	17 18	A. I don't know.
19	A. Clayton Bunning.	19	Q. You don't know if you saw exhibit one? A. I don't know.
20	Q. About bringing this case?	20	
21	A. We had questions when we found out our PIP		Q. You didn't sign this document under oath, did
22	exhausted.	22	you? A. I don't know.
1-3	Q. That's when you contacted Mr. Bunning?	23	Q. Were you ever asked to sign this document?
41.4	A. In this particular case, yes.	24	A. No.
24	TO TOO PERSONAL VALUE YOU.	47	A. 110.
24 25	O. Do you know what a class action is?	25	O. I refer you to page three, question three.

5 (Pages 17 to 20)

Γ_	Poga 21		Page 23
	Page 21		
1	"Identify all past or present Nationwide employees with	1	Q. What was said during that conversation?
2		2	A. I don't remember.
3	insurance policy at issue in the complaint".	3	Q. When was the next time you talked to Mr.
5	MR. EDWARDS: Same objection. MR. MARINO: There's objections to	5	Culver? A. When we got a policy with them.
6	that question; correct?	6	Q. You never actually went in and physically met
7	THE WITNESS: Correct.	7	with Mr. Culver before you actually received a policy
8	BY MR. MARINO:	ĺ	from Nationwide; is that your testimony?
9	Q. "Subject to and not waiving these objections	9	A. Correct, I called first.
10	and on information and belief Mrs. Eames states that	10	Q. Up to this point had you ever talked with
11	she may have communicated personally with Linda Sander	511	Linda Sanders?
12	and/or Keith Culver of the Culver insurance agency now	12	A. If she answered the phone, yes.
13	known as Muncie Insurance and Financial Services, Inc".	13	Q. You don't know how many times you called th
14			Culver agency prior to getting your policy?
15		15	
16		16	Q. You don't remember the substance of any of
) '7 	Q. Why do you say on information and belief you may have communicated?	17 18	those conversations? A. No.
19	-	19	Q. Did you take any notes during any of those
20			conversations?
21		21	A. Possibly.
22		22	Q. Did you save any?
23	• • •	23	A. No.
24	Q. Why do you say that?	24	Q. You don't have any now, do you?
25	A. At different times I may have communicated	25	À. No.
}	Page 22		Page 24
(1	with either or.	1	Q. You didn't tape-record the conversations?
[2	Q. Do you know whether you communicated with -	2	A. No.
3		3	Q. Was anybody on the other line?
	Q. You have?	4	A. Not to my knowledge.
5		5	Q. Mr. Eames wasn't on the other line?
6		6	A. He was working.
7	•	7	Q. Tammy was 12?
8 9		8	A. She wasn't on there.
	Culver?	-	Q. When you said the policy, you are talking about the policy at issue in this case?
11		11	A. Yes.
12		12	Q. If I understand your testimony, you had some
13			conversations over the phone. You don't remember th
14			substance of the conversations. Then a policy was
? /	A. Insurance, auto insurance.		issued to you?
16	`	16	A. Yes.
17	U 1	17	Q. From Nationwide?
18	•	18	A. Yes.
19	•	19	Q. Can you place that policy you saw the
20 21			Culver Insurance Agency called them to arrange to
22		21 22	have that policy placed?
23	•	23	A. Yes. Q. When did you receive that policy?
	over the phone?	24	A. I don't know.
- 25	A. Yes.	25	O. Did you get a copy of the policy from
- 2	أسر والمستحديد والمستعرب والمستعرب والمستعدد والمستعد والمستعدد والمستعد والمستعدد والمستعد والمستعدد والم		O. AND YOU ESTA COPY OF AIR POINTY HORE

6 (Pages 21 to 24)

ROBERTA EAMES April 27, 2006

1	Page 25		Page 27
	Nationwide?	1	would be prior to the policy being issued, would be by
2	A, Yes.	2	phone with Keith Culver or Linda Sanders; is that
3	Q. In the mail?	3	correct.
4	A. Yes.	4	MR. EDWARDS: I don't think that's what
5	Q. Can you tell me approximately when you	5	she testified to.
6	received it?	6	BY MR. MARINO:
7	A. It was shortly after.	7	Q. I want to make sure I understand.
) 8	Q. This conversation in February or March of	8	A. I'm confused.
	1994?	9	Q. I thought I asked you subsequent to getting a
10	A. Yes.	1	policy in the mail and reading it, have you subsequent
11	Q. Did you read that policy when you got it in	11	· · · · · · · · · · · · · · · · · · ·
	the mail?		Culver Insurance Agency?
13	A. Yes,	13	A. Before I got the policy?
14	Q. Did you keep it? A. Until the next one came out.	14 15	Q. After? A. After I got the policy?
113	Q. When you got a copy of the policy you got	13	Q. Yes.
17	what is called a declaration page and policy?	17	A. Only if I needed to talk to them about
18	A. Correct.		something.
19	Q. You kept the declaration page until the next	19	Q. What types of things might you need to talk
1	one came out?		to them about?
21	A. Correct.	21	A. If I needed to add a child to the policy or
22	Q. You read them both when you got them?	22	whatever.
23	A. Yes.	23	Q. Do you have more than one child?
24	Q. Did Mr. Eames have any conversations with	24	A. Yes.
25	anybody from the Culver Agency, including Linda Sanders	25	Q. Do you remember the substance of any of thos
1	Page 26		Page 28
,	or Keith Culver, prior to the policy being issued?	1	possible conversations?
	A. No.	2	A. When they turned of age,
3	Q. He did nor?	3	Q. Do you remember doing that or you assume?
4	A. I do not know.	4	A. I'm the one that took care of that.
5	Q. He wasn't participating in any of the	5	Q. You took care of the insurance in the family?
	conversations you had prior to that policy being	6	A. Yes.
1%	issued?	7	Q. I'm asking you, do you specifically recall
8	A. No.	8	occasions where you had those types of communications
10	Q. Tammy didn't participate, did she? A. No.	9	with someone from Munsey, or are you assuming you did? A. Culver.
11	:::	10	
	Q. Prior to that policy being issued you never had any communication with anybody from Nationwide		Q. Do you recall those types of occasions or are you assuming you had those types of communications?
,	firmal insurance company, did you strike that.	13	A. I know I spoke with them when we added our
1 4 %	Prior to the policy being issued did you		kids.
	have any communication with anybody other than, or	15	Q. Who did you speak with?
1.7	possible communication with anybody other than Linda	16	A. Keith and/or Linda.
	anders or Keith Culver regarding the policy at issue	17	Q. You don't know which one?
18	in this case?	18	A. It depended on who answered the phone.
19	A. No.	19	Q. You know you had this conversation?
20	Q. After you got the policy in the mail and read	20	A. Yes,
21	it did you have subsequent communications with anybody	21	Q. When was that?
22	from the Culver Insurance Agency or Munsey Insurance	22	A. 1990. Michelle was born in 1974.
1 22	Agency?	23	Q. Sometime around the time she turned 16?
1 23 14 1 25	A. No. Q. All of the communications you would have had	24 25	A. Yes. Q. Around 1980?

7 (Pages 25 to 28)

۲	Pa 20		Page 31
	Page 29		
1	A. 1990.		A. I believe.
2	Q. Do you remember any other specific	2	Q. Do you know?
[3	conversations?	3	A. Yes.
4	A. And when the next one turned of age.	4	Q. You do know that you have seen it before?
5	Q. How many children do you have?	5	A. I've seen so much.
∨	A. Three.	6	Q. If you don't know, that's okay.
7	Q. Any other specific conversations?	7	A. I'm not sure.
8	A. When we insured a boat.	8	Q. Do you know what a complaint is in
9	Q. That conversation was about insuring a boat?		litigation?
10	A. Yes.	10	A. Yes.
11	Q. All of these conversations were by phone?	11	Q. What is it?
12	A. Yes.	12	A. That's when you complain about the problem
13	Q. You don't have any notes of these		that you have.
14	conversations, do you?	14	Q. Do you know what a pleading is?
15	A. No.	15	A. Guilty or not guilty?
16	Q. You don't recall specifically what was said,	16 17	Q. In a civil case? A. No.
17			·
18	A. No.	18 19	Q. This is an amended class action complaint that you filed in this case.
20	MR. EDWARDS: This is subsequent to? MR. MARINO: Correct. I already	20	Are you aware there was a previously
21	asked about prior to. Subsequent to the	21	
22	•	22	pending complaint in this case? A. No.
23	policy being issued, MR. EDWARDS: Yes.	23	Q. Are you aware the previously pending
	BY MR. MARINO:		complaint in this case was dismissed by the court?
25	Q. Do you know if your husband ever went in to	25	A. No.
	Page 30	-	Page 32
١.		١.	
	personally meet with anyone from the Culver Agency	1	Q. No one told you that?
1 2	prior to the policy being issued?	2	A. No.
	A. I don't think he did.	3	Q. Look at paragraph three of the amended
5	Q. You don't know for sure; do you? You would be supposed if he did?		complaint. The second sentence claims you and your
6	be surprised if he did? A. Yes.	5	husband are named insureds under a Nationwide polic
7	Q. You didn't go with him; right?	7	Do you see where I'm reading? A. Yes.
8	A. Before the policy?	8	Q. That is the policy you referred to earlier
	Q. Before the policy was issued, you had never		that you received in the mail and read sometime in
110	been to the Culver Insurance Agency office before the		
\ii		11	A. Yes.
114	A. No.	12	Q. Look at paragraph 13 on page six.
113	MR. MARINO: Let's take a half hour	13	A. (Witness complies).
14	break.	14	Q. "Specifically Nationwide has represented to
15	(Whereupon, a luncheon recess was	15	one or more of the proposed class representatives that
16	taken.)	16	the subject policy provides full limits of liability
17	MR. MARINO: Mark this as R.	17	for PIP coverage and it has therefore taken the
18	Eames-2.	18	position such limits have been exhausted by payment
19	(Whereupon, Exhibit R. Earnes-2 was	19	the minimum statutory amount".
20	so marked for identification by the court	20	Do you see where I'm reading from?
21	reporter, being Amended Complaint.)	21	A. Yes.
•	Y MR. MARINO:	22	Q. Do you see one or more of the proposed class
23	Q. I'm showing you what had been marked as R.	23	representatives?
124	Earnes-2. It is an amended class action complaint.	24	A. Yes.
25	Have you seen this document before?	25	Q. Are you claiming to be one or more of those
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8 (Pages 29 to 32)